

HAMPTON PLANNING BOARD
MINUTES
August 1, 2007 – 7:00 PM

PRESENT: Tracy Emerick, Chair
Robert Viviano, Vice-Chair
Fran McMahon, Clerk
Jim Workman, Selectman Member
Keith Lessard
Tom Higgins

ABSENT: James Steffen, Town Planner
Tom Gillick
Bill Bilodeau, Alternate

Chairman Emerick began the meeting at 7:00 PM by introducing the Board members and leading the Pledge of Allegiance to the flag.

Mr. Emerick would like to address two items before the Agenda.

The first item: Mr. Emerick on behalf of the Board welcomes Tom Gillick home and wishes Tom the Boards best with hope and prayers.

The Second item: To address the Planning Memos that are signed by Ms. Ostman, our planning coordinator.

The board needs to understand the issues of authority and credentials for preparing planning memos.

As for authority Mr. Emerick spoke about the RSA 673:16 and the powers of the Planning Board. The board has the responsibility of the planning staff, they do not report to the town. Therefore, the question of whose authority it is that would allow the Planning Coordinator; Kristina Ostman to make recommendations to the Planning Board on planning issues is the Planning Board.

To address the issues of credentials and whether Ms. Ostman was qualified to make such recommendations.

Mr. Emerick briefly outlined that Ms. Ostman's background is in planning from her resume and most recently Ms. Ostman was the Planner for the City of Newburyport before coming here to Hampton.

The Board reviewed Ms. Ostman's resume.

Mr. Lessard stated that Ms. Ostman certainly has the credentials to prepared memos with having five years experience as the Planner for the City of Newburyport, it was clarified that it was almost ten years with the City of Newburyport.

MOVED by Mr. Lessard: **1st MOTION:** To honor Kristina Ostman to offer professional guidance to the Planning Board and accept the credentials of Ms. Ostman. **2nd MOTION:** To grant authority for Ms. Ostman to render professional planning recommendations to the Board.

SECOND by Mr. McMahon

VOTE: 5-0-0

MOTION PASSED

I. WITHDRAWALS AND POSTPONEMENTS

7-54 3 Gale Road
William Nyhan
Special Permit to Impact Wetlands Conservation District to construct single family home.

Applicant requests a continuation to September 5, 2007 meeting of the Planning Board.

MOVED by Mr. Viviano

SECOND by Mr. Lessard

VOTE: 5-0-0

MOTION PASSED

7-72 0 Bragg Avenue
Jangle, Constance Trust
Special Permit - Wetlands Conservation District: Increase gravel in parking area

Applicant requests a continuation to September 19, 2007 meeting of the Planning Board.

MOVED by Mr. Lessard

SECOND by Mr. Viviano

VOTE: 5-0-0

MOTION PASSED

7-74 30-36 River Avenue
Guthrie, Andrew
Site Plan Review: Replace two cottages burned with single building (Duplex)

Applicant withdrew the Special Permit application.

Mr. Emerick spoke of the administrative oversight on Tom Morganstern; Tom Morganstern will not be heard this evening, as that application was continued to the August 15, 2007 meeting.

II. ATTENDING TO BE HEARD – No requests before the Board.

III. NEW PUBLIC HEARINGS – PLANNING BOARD APPLICATIONS

7-63 55 Harbor Road
Hampton Harbor Marina LLC
Special Permit to Impact Wetlands Conservation District to repair sea wall and
riprap

Mr. Iacozzi represented this applicant.

Mr. Iacozzi explained the whole project. That they replaced the old wooded sea wall and that they replaced it with a new sea wall, metal sheeting and rip rap. The project has been done for two weeks, inspected by DES and we are here to seek the approval of the emergency permit.

Mr. Iacozzi explained that they did the work before filing with Conservation Commission and before filing with Planning Board, as this was a DEM emergency permit. DEM is requesting Dredging and a new application will be filed for that. They will be also submitting a new application which will replace the riprap that surrounds the marina area, and to replace the riprap on the riverside. They will be coming back with the new application for the Board in an about a month once DES signs off on the Drawings.

PUBLIC

Mr. David Bellaire – 2 Harbor Road - Concerned about what has been done, to be proposed, etc.

Mr. Iacozzi stated that the work, which was ordered by DEM, required that the work was to make the situation better then it was before. It was a condition of the permit to drive the sheeting and rip rap behind the old seawall.

Mr. Iacozzi stated that this is an infrastructure repair – all the work that was to be done was under the conditions of approval of the Condominium Development.

Mr. Bellaire concerned about the 44-condo project as a whole and what is approved.

Mr. Higgins explained that the work, which allowed for the approval for the Condominium Development was done before construction and that this work was for the emergency repair of the seawall.

Questioned if the parking lot is larger then before and the size of the lot.

Mr. Lessard understood that the permit only authorizes the repair of the seawall and that it must be put pack better then it was before,

Mr. Bellaire questioned about not being notified.

Mr. Emerick noted that Mr. Bellaire was notified, however this is a formality to authorize the emergency repair only. And that he and other abutters would be notified of the new applications.

Mr. Emerick closed the public hearing.

BOARD

Mr. Lessard asked for clarification about the outside seawall, which fell on the marsh and how much land was reclaimed.

Mr. Iacozzi explained the mechanic of how the sheeting was installed and how it went up against the old seawall.

Discussion ensued about how the work effectively used the old wall to protect the wetlands and to install the new seawall.

Mr. Emerick explained to Mr., Bellaire that the public portion of the hearing was closed.

MOVED by Mr. Higgins: To approve the Special Permit for the work that has already been done and to included the recommendations of the Planning Office memo of July 30, 2007, and the Conservation Commission letter dated June 30, 2007.

SECOND by Mr. Viviano

VOTE: 5-0-0

MOTION PASSED

7-69 140 Kings Highway
Ann K. Pare'
Special Permit - Wetlands Conservation District: Replace existing fence in same location

Ann Pare' represented the Butternut Hollow Condominium Association. Ms. Pare' explained that the Privacy Fence that run along the back of the property of 144 Kings Highway and abuts Unit, 5 of 8 panels are in disrepair and panels are down. The Association is looking to replace fence in exactly the same location as it is now, for the entire property.

BOARD

Discussion among board members about the condition of the fence and willow tree.

PUBLIC No public input.

MOVED by Mr. Lessard: To approve with the recommendations of the Planning Office memo of July 29, 2007, and the Conservation Commission letter dated June 20, 2007.

SECOND by Mr. McMahon

VOTE: 5-0-0

MOTION PASSED

7-70 35 Harbor Road
Ronald B. Dube
Special Permit - Wetlands Conservation District: Repair and re-build existing pier and railway

Ron Dube represented himself. Mr. Dube explained that he built the railway and pier 30 years ago and now and it need to be fixed. The repair will be quite extensive. He will be change the piling and decking. Not expanding the pier.

BOARD

Mr. Higgins questioned the length of the dock 195' and the railway 114'. Asked how far the railway went out in to the Harbor.

Discussion on the length of the pier and railway among the Board members, and how far the pier is into the river.

Mr. Dube stated that it is railway is 114 feet into the water. Railway is used to haul and store the float.

PUBLIC

Jim Holloway 43 Harbor Road supports Mr. Dube and the application.

MOVED by Mr. Lessard: To approve with the recommendations of the Planning Office memo of July 29, 2007, and the Conservation Commission letter dated June 30, 2007.

SECOND by Mr. Workman

VOTE: 5-0-0

MOTION PASSED

7-71 6 Mary Batchelder Road
Dion, Jacques & Gloria
Lot line Adjustment

Mr. Dignan 10 Toby Street represented the Dion's. He is the father of Gloria and father in-law of Jacques. Mr. Dignan explained that this is a simple lot line adjustment. No change in road frontage. The Harrington's are the abutters who will be receiving the land. The Harrison's approached Jacques to use the land and permission was granted, and after a while the Harrison's then asked to buy the land. The lot line change gives 2800 square feet to the Harrison's.

PUBLIC No public input.

BOARD

Mr. Lessard questioned how it affects the width of the right of way.

Mr. Dignan stated that it does not; the width will be the same 50 feet.

MOVED by Mr. Lessard: **1st MOTION:** To approve application a Lot Line Adjustment, Plan #3.289.0658 and the recommendation of the Planning Office memo of July 29, 2007.

SECOND by Mr. Viviano

VOTE: 5-0-0

MOTION PASSED

7-73 31 Langdale Drive
Richardson, Patricia Revoc. Trust
Special Permit - Wetlands Conservation District: Construct a 12' x 12' sunroom off back of house with a 6' x 6' deck

Gerard Thibault represented the Richardson's

Mr. Thibault explained that he will be building a 12' x 12' Sunroom of the second floor of the house and a deck on the second landing of the stairs.

BOARD

Discussion among the Board Members and Mr. Thibault about the question of 14 versus 16 feet for size of deck.

PUBLIC No public input.

MOVED by Mr. Lessard: To approve the Special Permit request with the recommendations of the Planning Office memo of July 29, 2007, and the Conservation Commission letter dated June 30, 2007.

SECOND by Mr. Viviano

VOTE: 5-0-0

MOTION PASSED

7-75 155 Drakeside Road
Hampton Meadows. Condos Unlimited of the Hamptons
Special Permit – Wetlands Conservation District: Re-design roadway (“A” Street Extension) in order to alleviate water at Unit #59

Joe Coronati of Jones and Beach Engineering represented Dan Moores of the Managing Company. Mr. Coronati explained the specific area of the Special Permit’s concern. Explained the damage to Unit 59 and that this is to improving the drainage trench and installing drainage across the driveway. To place the water underground and not in Unit #59.

Mr. Coronati explained how the current lay out of the road has created drainage problems for Unit 59. Unit 59 has been experiencing problems with water and the subsequent damage to the unit from the water problem. The road is deteriorating. The reconstruction of the road is to fix the drainage problem. They will be changing the pitch of the road and adding additional catch basins, which will drain to the man-made detention pond. They will add the Conservation Commission comments to new plans, i.e. manholes to catch basins. The new plans will be submitted later.

BOARD

Mr. Viviano asked if the elevation of the road would be changed.

Mr. Coronati answered that both A Street and A Street Extension roadways elevations will be raised. This project is a “full depth reconstruction of the road”. This reconstruction will improve the roadways, from their base (2 feet) to the top layer and thereby improving the drainage system in the area. Water will be prevented from Unit #59 with the improvement to Road “A” and “A” Street Extension.

Mr. Emerick asked about the Conservation Commission letter and the mention of the manhole drains not to be connected. Why are the drains are not to be connected at particular points

Mr. Coronati explained that this was a condition of the Conservation Commission and that each catch basins will be connected to the drain manholes and one will drain to the man-made detention pond.

Mr. Lessard asked about the sump pumps

Mr. Coronati stated there will be sump pumps.

Mr. Higgins ask in what direction does the 8-inch trench drain. And about the walkway and the Trench in it.

Mr. Coronati stated that the drains, drain to the right of the buildings with catch basins.

Mr. McMahon asked about the Conservation Commission and the issue of fertilizer.

Mr. Lessard questioned if they used acceptable fertilizer the lawn area.

Mr. Coronati clarified both question by stating that they do not fertilize the area.

Mr. Viviano asked about the issue of the minor field modification, is this a minor or do they need to file amended Site Plan.

Mr. Higgins explained that if it is a minor field modification then does not submit an amended site plan application, but they will need to file this plan.

Mr. Higgins stated he believes that this is a minor field modification.

Discussion on the issue of whether this represents a minor or major field modification.

Mr. Emerick has concerns of item four of the Conservation Commission's letter.

Mr. Coronati explained that is because the new plans have not been submitted, and that they need to be reviewed by both the Conservation Commission and this Board.

Mr. Workman stated that Conservation Commission had not seen the new plans and nor has the Planning Board. That is why the item four is listed.

Mr. Lessard discussed the issue of minor and major modification. Homeowner versus condominium ownership.

PUBLIC No public input.

MOVED by Mr. Workman: **1st MOTION:** That the Planning Board determined that this is a minor field modification and does not necessitate an amended site plan.

2nd MOTION: To conditionally approve with the following: That the Planning Office, Ambit Engineering, the DPW, and Fire Department review and accept the new plans dated 08/01/07 and to approve with the recommendations of Planning Office Memo of July 29, 2007, and the Conservation Commission letter dated June 30, 2007.

SECOND by Mr. McMahon

VOTE: 5-0-0

MOTION PASSED

IV. CONSIDERATION OF MINUTES of July 18, 2007

Page 1, 1st paragraph, 8th sentence: Delete sentence and insert new paragraph with:

Tom Higgins stated that rentals do stack, but not new condos or condo conversions. Rental units are grand fathered. And anyone can stack. With any zoning changes you need to protect the existing uses.

Page 1, 3rd paragraph, 4th sentence: Change loss to lost.

Page 3, 1st paragraph. Insert new sentence: The Board has approved other speaker systems such as Jumping Jacks.

Page 4, 1st sentence. Delete “And Tom Higgins question who owns the seawall, where? And the rip rapped areas?”

Page 5, 5th paragraph. Delete paragraph and replace with the following.

Tom Higgins - The Board is only approving the repair of the seawall and not approving a patio, which is also concrete. The patio should be permeable as well as permit-able. The patio is a separate issue from the seawall and should be placed on their property and not on Town property. As it is on Town property now, up to 3 feet in spots. If the patios were to be on Town property then the patios would also need Selectmen’s approval. In addition, the Conservation Commission may want plantings in these areas.

MOVED by Mr. Lessard to accept the minutes as amended.

SECOND by Mr. Higgins

VOTE: 4-0-1 Mr. McMahon abstained

MOTION PASSED

V. CORRESPONDENCE No correspondence

VI. OTHER BUSINESS No other business to be heard

MOVED by Mr. Lessard. To adjourn.

SECOND by Mr. Higgins

VOTE: 5-0-0

MOTION PASSED

Meeting adjourned at 7:56 PM.

Respectfully Submitted,
Kristina G. Ostman
Planning Coordinator